

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAYTON SUPERIOR CORPORATION,

Plaintiff,

-v-

JULIAN Z. YAN, et al.,

Defendants.

Case No. 3:12-cv-380

Judge Thomas M. Rose

**SECOND ORDER CONTINUING THE PRELIMINARY INJUNCTION
HEARING AND EXTENDING TEMPORARY RESTRAINING ORDER**

This matter initially came before the Court pursuant to Defendant, Julian Zan's Motion to Continue the Preliminary Injunction Hearing set for December 3, 2012 (doc. 31). Plaintiff, Dayton Superior Corporation, as well as Defendants, Epoxy Products, LLC and Michael R. Klover, filed responses (docs. 32 and 36) to said Motion. A reply (doc. 35) was then filed by Defendant, Julian Zan. After a telephonic record hearing, an Order (doc. 43) granting said Motion (doc. 31) was entered, continuing the Preliminary Injunction Hearing to December 20, 2012.

On December 11, 2012, the Court convened a second telephonic record hearing due to its unforeseen unavailability on December 20, 2012. The parties needing time to discuss availability with their clients, reconvened again by telephone on December 12, 2012. At which time, the parties agreed to continue the Preliminary Injunction Hearing and continue the Temporary Restraining Order (doc. 10) as ordered, while Plaintiff's Motion for Preliminary Injunction (doc. 3) is pending.

Based upon said findings and pursuant to FRCP 65(b)(2), this Court finds good cause to

continue the hearing on Plaintiff's Motion for Preliminary Injunction (doc. 3) and with the consent of the Defendants continues this matter for hearing to **January 17, 2012 at 9:00 AM.**

Pending the Court's ruling on the Motion for Preliminary Injunction, the Temporary Restraining Order and Bond will remain in full force.

IT IS SO ORDERED.

Dated: December 27, 2012

s/ Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE